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Peter M. Beasley

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EXAMINER

LE, MICHAEL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/713,369	Applicant(s) BEASLEY, PETER M.	
	Examiner MICHAEL LE	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10, 12-15, 17-20 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12-15, 17-20, 22 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2010 has been entered.

Summary and Status of Claims

1. This Office Action is in response to Applicant's reply filed May 12, 2010.
2. Claims 1-5, 10, 12-15, 17-20, and 22-34 are pending.
3. Claims 23-31 are withdrawn from consideration.
4. Claims 1-5, 10, 12-15, 17-20, 22, 32, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson et al. (US Patent Pub 2002/0143775) of record, in view of Bly et al. (US patent Pub 2002/0077944) of record.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

6. **Claims 1-5, 10, 12-15, 17-20, 22, 32, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson et al. (US Patent Pub 2002/0143775) (Wilkinson) of record, in view of Bly et al. (US patent Pub 2002/0077944) (Bly) of record.**

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7. In regards to **claim 1**, Wilkinson discloses an apparatus for managing an infrastructure comprising:

- a. a computer (Wilkinson at para. 0020 “server”);
- b. a user interface communicably coupled to the computer (Wilkinson at para. 0020 “browser”);
- c. a database communicably coupled to the computer (Wilkinson at para. 0020), the database containing two or more records, each record having a unique identifier and one or more data fields representing attributes of a asset or asset related item within the infrastructure (Wilkinson at para. 0049, lines 1-4), and all the records are linked in a database structure to represent the assets and asset related items (1) in a hierarchical manner in accordance with one or more business rules of the infrastructure that define how the assets and asset related items are interconnected (Wilkinson at para. 0037-8¹), and (3a) how one or more persons use the assets and asset related items (Wilkinson at Fig. 5; para 0034-5)²; and
- d. a computer program embodied on a computer readable medium that is executed by the computer to manage the infrastructure using the database. Wilkinson at para. 0021.

8. Wilkinson does not expressly disclose that the assets are physical assets and that the records in the database are linked to represent physical assets and asset related items (2) in a life cycle of the physical asset and asset related items.

¹ Taxonomy is interpreted as “business rules.”

² The projects are created by a user and show how a user wishes to access the system (i.e., how the user uses the assets and related items).

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9. Bly discloses a physical asset database containing records of assets with attributes such as operating life. Bly at fig. 14; para. 0146.

10. Wilkinson and Bly are analogous art because they are both directed toward the same endeavor of asset management.

11. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the apparatus of Wilkinson by adding the feature of storing physical asset data and having the records in the database represent physical assets and asset related items (2) in a life cycle of the physical asset and asset related items, as taught by Bly.

12. The motivation for doing so would have been because the life cycle of an asset is important in determining characteristics of an asset, such as maintenance cost, sales value, etc. Bly at para. 0009.

13. In regards to **claim 2**, Wilkinson in view of Bly discloses the apparatus as recited in claim 1, wherein the one or more data fields further represent attributes of a sub-element for one or more physical assets. Wilkinson at para. 047.

14. In regards to **claims 3**, Wilkinson in view of Bly discloses the apparatus as recited in claim 1, wherein the one or more data fields representing attributes of the physical asset or asset related item include an asset name data field, a manufacturer name data field, a make data field (Bly at Fig. 14), a model number data field, a serial number data field, a description data field, a purchase date data field, an expiration date data field, a purchase cost data field or an operating characteristics data field.

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15. In regards to **claim 4**, Wilkinson in view of Bly disclose the apparatus as recited in claim 1, wherein the data records for the asset related items store data corresponding to places, connections, contracts (Bly at para. 0119)³, documentation or financials.

16. In regards to **claim 5**, Wilkinson in view of Bly disclose the apparatus as recited in claim 4, wherein:

- a. the places include physical sites or locations (Bly at Fig. 14 “location field”);
- b. the connections include electrical connections (Bly at Fig. 9 “Power”), physical connections, logical connections, communication links, interfaces, junctions, circuits or patch panels;
- c. the contracts include leases (Bly at para. 0119), title documents, maintenance contracts, license agreements, clients contracts, resource allocation or service-level agreements;
- d. the documentation includes support documents, maintenance schedules (Bly at Fig. 6), procedural documentation, operational documentation or policy documentation; and
- e. the financials include purchase records, repair records, warranties, operational costs (Bly at Fig. 14), charge-backs or down-time costs.

17. In regards to **claim 10**, Wilkinson in view of Bly discloses the apparatus are recited in claim 1, wherein the life cycle of the physical asset and asset related items comprises procurement, implementation, usage (Bly at Fig. 14), modification, change, decommission, disposal or salvage information about the physical asset or asset related item.

³ Lease information is interpreted as contracts.

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18. In regards to **claim 12**, Wilkinson discloses a method for managing an infrastructure using a computer comprising the steps of:

- a. providing a database communicably coupled to the computer, wherein the database contains two or more records, each record having a unique identifier and one or more data fields representing attributes of an asset or asset related item within the infrastructure (Wilkinson at para. 0049, lines 1-4), and all the records are linked in a database structure to represent the assets and asset related items (1) in a hierarchical manner in accordance with one or more business rules of the infrastructure that define how the assets and asset related items are interconnected(Wilkinson at para. 0037-8⁴), and (3a) how one or more persons use the assets and asset related items (Wilkinson at Fig. 5; para 0034-5)⁵;
- b. processing one or more user requests using the computer to display or report information stored in the database (Wilkinson at para. 0045); and
- c. updating the database using the computer as asset or asset related items are procured, implemented, changed or disposed. Wilkinson at Fig. 11; para. 0081-4.

19. Wilkinson does not expressly disclose that the assets are physical assets and that the records in the database are linked to represent physical assets and asset related items (2) in a life cycle of the physical asset and asset related items.

20. Bly discloses an asset database containing records of assets with attributes such as operating life. Bly at fig. 14; para. 0146.

⁴ Taxonomy is interpreted as “business rules.”

⁵ The projects are created by a user and show how a user wishes to access the system (i.e., how the user uses the assets and related items).

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21. Wilkinson and Bly are analogous art because they are both directed toward the same endeavor of asset management.

22. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the apparatus of Wilkinson by adding the feature of storing physical asset data and having the records in the database represent physical assets and asset related items (2) in a life cycle of the physical asset and asset related items, as taught by Bly.

23. The motivation for doing so would have been because the life cycle of an asset is important in determining characteristics of an asset, such as maintenance cost, sales value, etc. Bly at para. 0009.

24. In regards to **claim 13**, Wilkinson in view of Bly discloses the method as recited in claim 12, further comprising the step of creating the database. Wilkinson at para. 0075.

25. In regards to **claim 14**, Wilkinson in view of Bly discloses the method as recited in claim 13, wherein the step of creating the database comprises the steps of:

- a. identifying one or more boundaries for the infrastructure (Wilkinson at para. 0018⁶);
- b. identifying the physical assets within the boundaries (Wilkinson at para. 0036);
- c. identifying the items related to the physical assets (Wilkinson at para. 0060);
- d. identifying one or more persons that use the physical assets and asset related items (Wilkinson at para. 0051; para. 0087);

⁶ The number of ingest stations is interpreted as one or more boundaries because the ingest stations make up the infrastructure.

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- e. determining the attributes associated with each physical asset and asset related item (Wilkinson at para. 0035; para. 0041; para. 0045);
 - f. determining the business rules of the infrastructure that define how the physical assets and related items are interconnected (Wilkinson at para. 0051; para. 0058; para. 0060); and
 - g. creating each record and storing the record in the database. Wilkinson at para. 0075.
26. In regards to **claim 15**, Wilkinson in view of Bly discloses the method as recited in claim 14, further comprising the steps of:
- a. determining one or more sub-elements for the physical assets and one or more attributes associated with the sub-elements (Wilkinson at para. 0047); and
 - b. determining one or more business rules for how the sub-elements and physical assets are linked. Wilkinson at para. 0047.
27. In regards to **claim 17**, Wilkinson in view of Bly discloses the method as recited in claim 14, further comprising the step of identifying one or more people who use information about the physical asset. Wilkinson at para. 0087⁷.
28. In regards to **claim 18**, Wilkinson in view of Bly discloses the method as recited in claim 14, further comprising the step of designing data display and report formats. Bly at para. 0128; para. 0146.
29. In regards to **claim 19**, Wilkinson in view of Bly discloses the method as recited in claim 14, further comprising the steps of:

⁷ Travel agents are one or more people who use information about the assets.

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- a. identifying a managing agency (Wilkinson at para. 0007; para. 0087); and
- b. determining one or more goals for the managing agency. Wilkinson at para. 0087⁸.

30. **Claim 20** is essentially the same as claim 12 in the form of a computer program on a computer readable medium and is therefore rejected for the same reasons. Wilkinson at para. 0021.

31. In regards to **claim 22**, Wilkinson in view of Bly discloses the method as recited in claim 12, further comprising the step of determining who or what is affected by a change in one or more of the physical assets or asset related items using the one or more business rules and the hierarchy. Wilkinson at para. 0035⁹.

32. In regards to **claim 32**, Wilkinson discloses a method of using a computerized asset management system comprising the steps of:

- a. providing a database communicably coupled to a computer, wherein the database contains two or more records, each record having a unique identifier and one or more data fields representing attributes of an asset or asset related item within the infrastructure (Wilkinson at para. 0049, lines 1-4), and all the records are linked in a database structure to represent the assets and asset related items (1) in a hierarchical manner in accordance with one or more business rules of the infrastructure that define how the assets and asset

⁸ The managing agency is interpreted as a traveling agency because they manage and use the assets. Their customizations and preferences is interpreted as "determining one or more goals for the managing agency."

⁹ Projects are created by users. Changes to the assets would affect the projects and in turn the users. These affects are determined through the hierarchy shown in Fig. 5.

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related items are interconnected(Wilkinson at para. 0037-8¹⁰), and (3a) how one or more persons use the assets and asset related items (Wilkinson at Fig. 5; para 0034-5)¹¹; and

b. accessing the database using the computer to determine who or what is affected by a change in one or more of the assets or asset related items using the one or more business rules and the hierarchy. Wilkinson at para. 0035¹².

33. Wilkinson does not expressly disclose that the assets are physical assets and that the records in the database are linked to represent physical assets and asset related items (2) in a life cycle of the physical asset and asset related items.

34. Bly discloses an asset database containing records of assets with attributes such as operating life. Bly at fig. 14; para. 0146.

35. Wilkinson and Bly are analogous art because they are both directed toward the same endeavor of asset management.

36. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the apparatus of Wilkinson by adding the feature of storing physical asset data and having the records in the database represent assets and asset related items (2) in a life cycle of the asset and asset related items, as taught by Bly.

37. The motivation for doing so would have been because the life cycle of an asset is important in determining characteristics of an asset, such as maintenance cost, sales value, etc.

Bly at para. 0009.

¹⁰ Taxonomy is interpreted as “business rules.”

¹¹ The projects are created by a user and show how a user wishes to access the system (i.e., how the user uses the assets and related items).

¹² Projects are created by users. Changes to the assets would affect the projects and in turn the users. These affects are determined through the hierarchy shown in Fig. 5.

38. In regards to **claim 33**, Wilkinson in view of Bly discloses the method as recited in claim 32, further comprising the steps of:

- a. adding one or more records to the database for one or more new assets, new persons, new attributes, new business rules and new boundaries (Wilkinson at para. 0081-4);
- b. providing one or more data screens and reports to the users of the system (Wilkinson at para. 0045);
- c. receiving data from automated systems and storing the received information in the database (Bly at para. 0046); and
- d. customizing the system for one or more applications. Wilkinson at para. 0089.

39. In regards to **claim 34**, Wilkinson discloses an apparatus for managing an infrastructure comprising:

- a. a computer (Wilkinson at para. 0020 “server”);
 - b. a user interface communicably coupled to the computer (Wilkinson at para. 0020 “browser”);
 - c. a database communicably coupled to the computer (Wilkinson at para. 0020), the database containing two or more records, each record having a unique identifier and one or more data fields representing attributes of an asset or asset related item within the infrastructure (Wilkinson at para. 0049, lines 1-4), and all the records are linked in a
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database structure to represent the assets and asset related items (1) in a hierarchical manner in accordance with one or more business rules of the infrastructure that define how the assets and asset related items are interconnected (Wilkinson at para. 0037-8¹³), and (3a) how one or more persons use the assets and asset related items (Wilkinson at Fig. 5; para 0034-5)¹⁴; and

d. a computer program embodied on a computer readable medium that is executed by the computer to manage the infrastructure using the database. Wilkinson at para. 0021.

40. Wilkinson does not expressly disclose that the records in the database are linked to represent assets and asset related items (2) in a life cycle of the asset and asset related items and wherein the one or more data fields representing attributes of the asset or asset related item include an asset name data field, a manufacturer name data field, a make data field, a model number data field, a serial number data field, a description data field, a purchase date data field, an expiration date data field, a purchase cost data field or an operating characteristic data field; wherein the data records for the asset related items store data corresponding to places, connections, contracts, documentation or financials; wherein (a) the places include physical sites or locations, (b) the connections include electrical connections, physical connections, logical connections, communication links, interfaces, junctions, circuits or patch panels, (c) the contracts include leases, title documents, maintenance contracts, license agreements, clients contracts, resource allocation or service-level agreements, (d) the documentation includes support documents, maintenance schedules, procedural documentation, operational documentation or

¹³ Taxonomy is interpreted as “business rules.”

¹⁴ The projects are created by a user and show how a user wishes to access the system (i.e., how the user uses the assets and related items).

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policy documentation, and (e) the financials include purchase records, repair records, warranties, operational costs, charge-backs or down-time costs; and wherein the life cycle of the asset and asset related items comprises procurement, implementation, usage, modification, change, decommission, disposal or salvage information about the asset or asset related item.

41. Bly discloses an asset database containing records of assets with attributes as well as maintenance history logs and leasing information Bly at fig. 6; fig. 14; para. 0119; para. 0146.

42. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the apparatus of Wilkinson by adding the feature of having the records in the database represent assets and asset related items (2) in a life cycle of the asset and asset related items and contain attributes wherein the one or more data fields representing attributes of the asset or asset related item include an asset name data field, a manufacturer name data field, a make data field, a model number data field, a serial number data field, a description data field, a purchase date data field, an expiration date data field, a purchase cost data field or an operating characteristic data field; wherein the data records for the asset related items store data corresponding to places, connections, contracts, documentation or financials; wherein (a) the places include physical sites or locations, (b) the connections include electrical connections, physical connections, logical connections, communication links, interfaces, junctions, circuits or patch panels, (c) the contracts include leases, title documents, maintenance contracts, license agreements, clients contracts, resource allocation or service-level agreements, (d) the documentation includes support documents, maintenance schedules, procedural documentation, operational documentation or policy documentation, and (e) the financials include purchase records, repair records, warranties,

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operational costs, charge-backs or down-time costs; and wherein the life cycle of the asset and asset related items comprises procurement, implementation, usage, modification, change, decommission, disposal or salvage information about the asset or asset related item, as taught by Bly.

43. The motivation for doing so would have been because the life cycle of an asset is important in determining characteristics of an asset, such as maintenance cost, sales value, etc. Bly at para. 0009.

Response to Amendment

Specification

44. Applicant's remarks and positive statement that the computer readable medium recited in the claim is meant not to encompass nonstatutory subject matter such as signals and transmission media is acknowledged. Consequently, objection to the specification is withdrawn.

Rejection of Claim 20 under 35 U.S.C 101

45. Applicant's remarks have been considered and for same reasons as stated above in regards to the specification objection, the rejection to claim 20 under 35 U.S.C. 101 is withdrawn.

Response to Arguments

Rejection of claims 1-5, 10, 12-15, 17-20, 22, and 32-34 under 35 U.S.C. 103(a)

46. Applicant's arguments in regards to the rejections to claims 1-5, 10, 12-15, 17-20, 22, and 32-34 under 35 U.S.C. 103(a), have been fully considered but they are not persuasive.

Applicant alleges the prior art, Wilkinson in view of Bly, fails to disclose (a) physical assets within an infrastructure, (b) one or more business rules of the infrastructure that define how the physical assets and asset related items are interconnected, (c) linking records how one or more persons use the assets and asset related items, and (d) records in the database are linked to represent assets and asset related items in a life cycle of the asset and asset related items (Remarks at 15-6.) The Examiner respectfully disagrees.

47. In regards to limitation (a), Bly discloses physical assets. Bly at Fig. 4. The vehicles are physical assets. The rejection is a combination of Wilkinson and Bly. It would have been obvious to one of ordinary skill in the art to modify Wilkinson to store data for physical assets in an infrastructure. Here, the infrastructure is interpreted as the vehicles and other assets in Bly's organization.

48. In regards to limitation (b), Applicant seems to have a narrower interpretation of the limitation than is necessary. The limitation requires rules that define how the physical assets and asset related items are interconnected. There is no requirement that the rules be based on the infrastructure. Thus, the taxonomy of Wilkinson discloses the business rules as required by the limitation because a taxonomy defines how items are interconnected and related to each other.

49. In regards to limitation (c), Applicant alleges because the projects in Wilkinson are not necessary, then Wilkinson cannot disclose the feature. The Examiner respectfully disagrees.

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Applicant admits Wilkinson discloses the project feature. Simply because it is not necessary does not mean that the feature is not disclosed.

50. Lastly, in regards to limitation (d), Applicant alleges Bly fails to disclose an operating life or life cycle in the cited portions. The cited portion states that there are such attributes such as "monthly usage hours," "total hourly cost," etc. In addition, Applicant notes paragraph 0009 which states that the history of the asset is maintained during its operating life. These are all indications of a "life cycle" of an asset. Thus, Bly discloses a operating life of an asset.

51. For at least these reasons, Wilkinson and Bly discloses the limitations of the claims.

52. Consequently, the rejection to claims 1-5, 10, 12-15, 17-20, 22, and 32-34 under 35 U.S.C. 103(a) is maintained.

Conclusion

53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

55. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le/
Examiner, Art Unit 2163
6-20-2010

/Wilson Lee/
Primary Examiner, Art Unit 2163